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Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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15 UNITED STATES BANKRUPTCY COURT

16 DISTRICT OF NEVADA

17 In re:

18 USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

19 20 Debtors.

21 **Affects:**

22 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

23 Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

24 CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

25 **ORDER SUSTAINING OBJECTION OF USACM TRUST TO CLIFFORD MEHLING II'S CLAIM FILED IN WRONG DEBTOR'S CASE; AND SUSTAINING OBJECTION OF DTDF TO PROPOSED ALLOWANCE OF CLAIM**

26 Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.



1 The Court having considered the "Objection of USACM Trust to Clifford Mehling
 2 II's Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of
 3 Claim" [Docket No. 4697] (the "Objection"); with appearances as set forth in the record at
 4 the hearing noted above; appropriate notice of the Objection having been given; no
 5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
 8 2. Proof of Claim No. 10725-00643 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 10 and
 11 3. Clifford Mehling II's equity interest in DTDF is allowed in the amount of
 12 \$108,993.45, as reflected in DTDF's books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - approved the form of this order; and/or
 - waived the right to review the order; and/or
 - failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- No opposition was filed to the objection and no other party or counsel appeared at the hearing.

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